

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 DEMAR RAHYMES BARNES,

10 Petitioner,

11 vs.

12 D.W. NEVEN, *et al.*,

13 Respondents.
14

Case No. 2:14-cv-01946-RFB-PAL

ORDER

15 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a
16 Nevada state prisoner represented by counsel. By order filed March 31, 2016, the Court denied
17 respondents' motion to dismiss without prejudice. (ECF No. 11). The Court also appointed the Federal
18 Public Defender's Office to represent petitioner in this case. (*Id.*). The Court directed petitioner's
19 counsel to file an amended petition within sixty days and directed respondents to file a response (motion
20 to dismiss or answer) to the amended petition within thirty days from the filing of the amended petition.
21 (*Id.*). The Court denied petitioner's motion for a stay, without prejudice to bringing another motion for
22 a stay within thirty days. (*Id.*). On April 15, 2016, attorney Jason F. Carr of the Federal Public
23 Defender's Office filed a notice of appearance on behalf of petitioner. (ECF No. 12).

24 Through counsel, petitioner has filed a motion for an extension of time in which to file an
25 amended petition. (ECF No. 15). Also through counsel, petitioner has filed a motion for an extension
26 of time in which to file, if deemed necessary, a motion for stay. (ECF No. 16). Good cause appearing,
27 petitioner's motions extensions are granted, and the Court makes further orders, as set forth below.
28

1 **IT IS THEREFORE ORDERED** that petitioner's motion for an extension of time in which
2 to file an amended petition (ECF No. 15) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that petitioner's motion for an extension of time in which to file
4 a motion for stay, if deemed necessary, (ECF No. 16) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that counsel for petitioner shall meet with petitioner as soon as
6 reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases
7 under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential
8 grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds
9 for habeas corpus relief must be raised at this time in this action and that the failure to do so will likely
10 result in any omitted grounds being barred from future review.

11 **IT IS FURTHER ORDERED** that petitioner shall have **sixty (60) days** from the date of entry
12 of this order, to **FILE AND SERVE** on respondents an amended petition for writ of habeas corpus,
13 which shall include all known grounds for relief (both exhausted and unexhausted). Petitioner shall
14 have **sixty (60) days** from the date of entry of this order to **FILE AND SERVE** on respondents a
15 motion for a stay, if deemed necessary.

16 **IT IS FURTHER ORDERED** that respondents shall have **thirty (30) days** after service of an
17 amended petition within which to answer, or otherwise respond to, the amended petition. If petitioner
18 does not file an amended petition, respondents shall have **thirty (30) days** from the date on which the
19 amended petition is due within which to answer, or otherwise respond to, petitioner's original petition.
20 If petitioner files a motion for a stay, the motion shall be briefed by the parties pursuant to Rule 7-2 of
21 the Local Rules of Civil Practice.

22 **IT IS FURTHER ORDERED** that if respondents file a motion to dismiss, the motion shall be
23 briefed by the parties pursuant to Rule 7-2 of the Local Rules of Civil Practice.

24 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have **thirty**
25 **(30) days** after service of the answer to file and serve a reply.

26 **IT FURTHER IS ORDERED** that any state court record exhibits filed by the parties herein
27 shall be filed with an index of exhibits identifying the exhibits by number or letter. The CM/ECF
28

1 attachments that are filed shall further be identified by the number or numbers (or letter or letters) of
2 the exhibits in the attachment.

3 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy (paper) copies of all
4 exhibits presented in support of the amended petition and the response to the amended petition to the
5 **Reno** Division of this Court. Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia St.,
6 Reno, NV, 89501, and directed to the attention of “Staff Attorney” on the outside of the mailing address
7 label.

8 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL MODIFY** the docket to
9 indicate petitioner’s counsel of record is the Federal Public Defender’s Office, as indicated on the notice
10 of appearance.

11 **IT IS FURTHER ORDERED** that petitioner shall file no further *pro se* documents and shall
12 proceed by and through appointed counsel.

13
14 Dated this 8th day of July, 2016.

15
16 

17 RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28